

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 13477-00902-US-
INTERNATIONAL APPLICATION NO. PCT/EP2004/008683	INTERNATIONAL FILING DATE 3 August 2004	U.S. APPLICATION NO. (If known, use 37 CFR 1.5) 9876543210
TITLE OF INVENTION: FUNGUS RESISTANT PLANTS AND THEIR USES		PRIORITY DATE CLAIMED 11 August 2003
APPLICANT(S) FOR DO/EO/US: Edwin Andries Gerard Van Der Vossen et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Patent Act, persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. PATENT AND TRADEMARK OFFICE	<div style="font-size: 2em; font-weight: bold; text-align: center;">107567980</div> INTERNATIONAL APPLICATION NO. PCT/EP2004/008683	ATTORNEY'S DOCKET NUMBER 13477-00002-US		
20. <input checked="" type="checkbox"/> Other items or information: 51 Sheets of Drawings, Form PCT/IB/306, Form PCT/ISA/237, Form PCT/IPEA/409, Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825, Sequence Listing Submission on Compact Disc (COPY 1, COPY 2, CRF; total 3 compact discs), Postcard, Certificate of Express Mail				
The following fees have been submitted		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> </table>	CALCULATIONS	PTO USE ONLY
CALCULATIONS	PTO USE ONLY			
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$ 300.00</td> <td style="width:50%;"></td> </tr> </table>	\$ 300.00	
\$ 300.00				
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$ 200.00</td> <td style="width:50%;"></td> </tr> </table>	\$ 200.00	
\$ 200.00				
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$ 400.00</td> <td style="width:50%;"></td> </tr> </table>	\$ 400.00	
\$ 400.00				
TOTAL OF 21, 22 and 23 =		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$ 900.00</td> <td style="width:50%;"></td> </tr> </table>	\$ 900.00	
\$ 900.00				
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		
165 - 100 =	65 /50 =	2		
		x \$250.00		
		\$ 500.00		
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA		
Total claims	43 - 20 =	23		
Independent claims	3 - 3 =			
		x 50.00		
		1,150.00		
		x 0.00		
		0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+		
		+		
		0.00		
TOTAL OF ABOVE CALCULATIONS =		\$ 2,550.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				
SUBTOTAL =		\$ 2,550.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$		
TOTAL NATIONAL FEE =		\$ 2,550.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$		
		\$		
TOTAL FEES ENCLOSED =		\$ 2,550.00		
		Amount to be refunded: \$		
		Amount to be charged \$		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-2775 in the amount of \$ 2,550.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Tobute Makowski
SIGNATURE

Roberte M. D. Makowski, Ph.D.
NAME

CUSTOMER NUMBER: 23416

55,421
REGISTRATION NUMBER

10/567980

1AP20 RECEIVED 10 FEB 2006

Application No. (if known): Not Yet Assigned

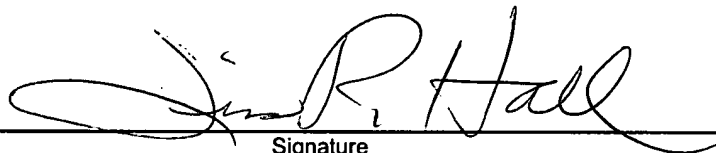
Attorney Docket No.: 13477-00002-US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV686922589US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 10, 2006
Date



Signature

Tina R. Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (3 pages)

Fee Transmittal (1 page)

Application Data Sheet (3 pages)

Copy of the International application in English, w/search report attached

51 sheets of drawings

Form PCT/IB/306 (1 page)

Form PCT/ISA/237 (10 pages)

Form PCT/IPEA/409 (21 pages)

Preliminary Amendment (18 pages)

Nucleotide and/or Amino Acid Sequence Submission on CD (COPY 1, COPY 2, CRF COPY - 3 Discs total)

Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825 (2 pages)

Postcard

Authorization to charge \$2,550.00 to deposit account 03-2775

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).</p> <p>FEE TRANSMITTAL</p> <p>For FY 2005</p>		<p>Complete if Known</p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Not Yet Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Edwin A. G. Van Der Vossen
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT	(\$) 2,550.00	Attorney Docket No.	13477-00002-US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	900.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		<u>Multiple Dependent Claims</u>		
43	- 20 = 23	x 50.00 =	1,150.00		<u>Fee (\$)</u>		<u>Fee Paid (\$)</u>
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>				
3	- 3 =	x					
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
165	- 100 = 65	/50	2	(round up to a whole number) x 250.00 =	500.00		
4. OTHER FEE(S)							
							<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge):							
1631 Basic National Stage fee							300.00
1633 National Stage Examination Fee - all other ...							200.00
1642 National Stage Search Fee - search report ...							400.00
1681 National Stage application size fee - for each ...							500.00
1615 National Stage claims - extra total (over twenty)							1,150.00

SUBMITTED BY				
Signature	<i>Roberte Makowski</i>	Registration No. (Attorney/Agent)	55,421	Telephone (302) 658-9141
Name (Print/Type)	Roberte M. D. Makowski, Ph.D.			Date 2/10/06